

LAURA A. AUSTIN, CLERK

/s/ T. Taylor
DEPUTY CLERK

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The plaintiff, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983 and the Americans with Disabilities Act. He alleges that while he was confined at the New River Valley Regional Jail, the defendants placed him in protective custody where they failed to accommodate his physical disabilities and subjected him to harsh conditions. By Opinion and Order entered in December 2023, some claims were dismissed. Thereafter, on January 24, 2024, the remaining defendants filed a Second Motion for Summary Judgment. After the court notified Kegley of his opportunity to respond, he moved twice for additional time. The court also warned Kegley that failure to file a timely response would result in dismissal of the case without prejudice. The court granted Kegley until May 9, 2024, to respond to the defendants' motion.

The time allotted for Kegley to respond to the defendants' motion has passed, and he has failed to file a timely response to that motion. Accordingly, I will dismiss the action and the defendants' pending motion without prejudice.

An appropriate Final Order will issue herewith.

ENTERED: May 14, 2024

/s/ JAMES P. JONES
Senior United States District Judge